

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
POWER COMPANY FOR APPROVAL OF)	CASE NO.
AFFILIATE AGREEMENTS RELATED TO THE)	2021-00421
MITCHELL GENERATING STATION)	

ORDER

A hearing in the above-styled matter was held on Wednesday, March 30, 2022, at 9 a.m. Eastern Daylight Time.

From the bench, the Commission granted Kentucky Power's March 29, 2022 motion requesting to deviate from the hearing notice requirement in 807 KAR 5:001, Section 9(2)(b), which requires publication of notice of a hearing at least one time prior to the hearing. In the March 29, 2022 motion, Kentucky Power explained that 19 of 20 newspapers timely published the hearing notice on or before March 24, 2022, as requested by Kentucky Power, but that one newspaper, the *Hindman Troublesome Creek Times*, did not timely publish the notice on March 24, 2022. Due to the newspaper's weekly publication schedule, the newspaper did not publish notice of the hearing prior to March 30, 2022. Pursuant to 807 KAR 5:001, Section 22, the Commission can allow deviation from the hearing notice requirements upon showing of good cause. In the March 17, 2022 Order scheduling the hearing, the Commission directed Kentucky Power to use its best efforts to timely publish notice of the hearing. Based upon the motion and the case record, the Commission finds that Kentucky Power timely provided a request to publish notice of the hearing, as evidenced by the timeliness of Kentucky Power's request

for publication and because 19 of the 20 newspapers timely filed notice in accordance with Kentucky Power's request. For this reason, the Commission finds that Kentucky Power established good cause to deviate from the hearing notice requirements, and therefore Kentucky Power's motion is granted.

During the March 30, 2022 hearing, Commission Staff introduced an exhibit (PSC Staff Confidential Hearing Exhibit 1) containing information previously granted confidential treatment for an indefinite period under KRS 61.878(1)(c)(1) in a related case, Case No. 2021-00481.¹ On its own motion, the Commission finds that public disclosure of the designated material in PSC Staff Confidential Hearing Exhibit 1 could result in commercial harm to Kentucky Power and therefore is granted confidential treatment pursuant to KRS 61.878(1)(c)(1) for an indefinite period.

At the conclusion of the witness testimony, staff counsel requested to file post-hearing data requests and counsel for Kentucky Power Company (Kentucky Power) requested to file a post-hearing brief after responses to data requests have been filed.

IT IS THEREFORE ORDERED that:

1. Post-hearing data requests, if any, shall be filed on or before April 1, 2022.
2. Responses to post-hearing data requests shall be filed on or before April 8, 2022.
3. Parties may file simultaneous memorandum briefs in support of their post-hearing position on or before April 14, 2022.
4. Parties may file simultaneous response briefs on or before April 21, 2022.

¹ Case No. 2021-00481, *Electronic Joint Application of American Electric Power Company, Inc., Kentucky Power Company and Liberty Utilities Co. for Approval of the Transfer of Ownership and Control of Kentucky Power Company* (Ky. PSC Mar. 24, 2022).

5. This case shall stand submitted for a decision by the Commission effective 12:01 a.m. Eastern Daylight Time, April 22, 2022.

6. Kentucky Power's March 29, 2022 motion to deviate from hearing notice requirements is granted.

7. PSC Staff Confidential Hearing Exhibit 1 is granted confidential treatment.

8. PSC Staff Confidential Hearing Exhibit 1 shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission.

9. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).

10. Kentucky Power shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.

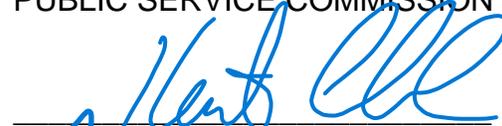
11. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Kentucky Power shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Kentucky Power is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

12. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no

longer qualifies for confidential treatment in order to allow Kentucky Power to seek a remedy afforded by law.

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PUBLIC SERVICE COMMISSION

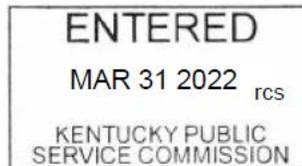


Chairman



Vice Chairman

Commissioner



ATTEST:



Executive Director

*Angela M Goad
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Kentucky Power Company
1645 Winchester Avenue
Ashland, KY 41101

*Christen M Blend
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Post Office Box 16631
Columbus, OHIO 43216

*Katie M Glass
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634

*Hector Garcia
Kentucky Power Company
1645 Winchester Avenue
Ashland, KY 41101

*Larry Cook
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*John C. Crespo

*J. Michael West
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Jody M Kyler Cohn
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Honorable Michael L Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*John G Horne, II
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Honorable Mark R Overstreet
Attorney at Law
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634

*Honorable Kurt J Boehm
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Tanner Wolfram
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Post Office Box 16631
Columbus, OHIO 43216